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Man Mentioned In Eminem Song Loses In Court Again

DeAngelo Bailey says Em invaded his privacy, spread false information.

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Eminem scored a courtroom victory on Friday (April 15) when a lawsuit filed by an ex-classmate -- who accused the rapper of falsely depicting him on a 1999 track -- was dismissed.

A three-judge state appeals court panel agreed with a Macomb County, Michigan, judge's 2003 decision, finding that "Brain Damage" should not be interpreted literally. In it, Em raps, "I was harassed daily by this fat kid named DeAngelo Bailey" and also raps about the school principal joining Bailey in "stomping" him.

Bailey sued the rapper in 2001, alleging the track from 1999's *The Slim Shady LP* invaded his privacy by publicizing negative false information about him (see [article id="1451396"]"Alleged Bully From Eminem's 'Brain Damage' Files $1 Million Suit"[/article]). Bailey admitted in interviews that he bullied Eminem, but not to the extent of the track, which says, "He banged my head against the urinal till he broke my nose/ Soaked my clothes in blood, grabbed me and choked my throat."

The case was originally tossed out by Macomb County Circuit Judge Deborah Servitto who, in addition to a regular opinion, wrote a rap verse explaining her ruling (see [article id="1479830"]"Eminem's Tormentor Sees Case Thrown Out; Judge Raps Her Decision" [/article]). "Bailey thinks he's entitled to some monetary gain/ Because Eminem used his name in vain," she wrote. "The lyrics are stories no one would take as fact/ They're an exaggeration of a childish act/ It is therefore this court's ultimate position/ That Eminem is entitled to summary disposition."

The appeals court, which chose not to rap its decision, also wrote that Bailey failed to present a genuine factual issue in the suit. Bailey's attorney, Byron Nolen, told *The Associated Press* he did not plan to appeal to the Michigan Supreme Court.